



Doc Code AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		00RE073-A/YOD (REEL:0020-1)	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>August 17, 2006</u></p> <p>Signature <u><i>Lynda Howell</i></u></p> <p>Typed or printed name <u>Lynda Howell</u></p>		<p>Application Number</p> <p>10/781,127</p>	<p>Filed</p> <p>February 18, 2004</p>
		<p>First Named Inventor</p> <p>Hobart DeHart</p>	
		<p>Art Unit</p> <p>3729</p>	<p>Examiner</p> <p>Phan, Thiem D.</p>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
<p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 37,479 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p>		<p><u><i>Pg</i></u> Signature Patrick S. Yoder Typed or printed name (281) 970-4545 Telephone number August 17, 2006 Date</p>	
<p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			
<p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Hobart DeHart

Serial No.: 10/781,127

Filed: February 18, 2004

For: METHOD FOR SEPARATING
STATOR WINDINGS OF AN
ELECTRIC MOTOR DURING
MANUFACTURE

§
§
§
§
§
§
§
§
§
§

Group Art Unit: 3729

Examiner: Phan, Thiem D.

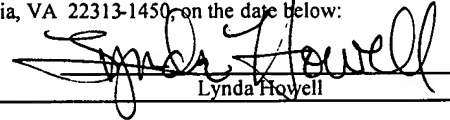
Atty. Docket: 00RE073-A/YOD
REEL:0020-1

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:

August 17, 2006
Date


Lynda Howell

PRE-APPEAL BRIEF REQUEST FOR REVIEW

In respect to the Final Office Action of May 23, 2006, Appellant respectfully submits this Pre-Appeal Brief Request for Review. This Request is being filed concurrently with a Notice of Appeal.

In the Office Action, claims 1-3 and 5-13 were rejected and claims 23-27 were allowed. Reconsideration and allowance of all pending claims are requested in view of the remarks set forth below.

Rejections Under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 3 and 8-10 under 35 U.S.C. § 102(b) as being anticipated by Anderson (U.S. Patent No. 4,750,258 hereinafter "Anderson"). Specific to independent claim 1, Examiner stated:

With regard to claim 1, Anderson teaches a method of inserting windings, comprising:

- disposing a stator (Fig. 13, 3) having a plurality of stator leads (Fig. 13, G1-G3) into a lead separating assembly (Fig. 1, 1), the leads extending beyond the stator (Fig. 14, G3A or G3B) from windings installed in stator slots (Fig. 14, s [sic]);
- gathering the plurality of stator leads together into a bundle (Fig. 13, G1A or G2A or G3b); and
- driving a lead separator (Fig. 14, 13) through the stator (Fig. 14, 3 [sic]) into engagement with the plurality of stator leads (Fig. 14, G1A or G2A or G3B) gathered together to separate each of the plurality of stator leads gathered together.

Final Office Action, pages 2-3. The Appellant respectfully traverses this rejection.

Omitted Features from Independent Claim 1

The Appellant respectfully submits that the rejection of independent claim 1 is improper because the prior art reference that is used to reject the claim does not show each and every element recited by the claim.

Anderson Does Not Teach Disposing a Stator Having a Plurality of Stator Leads into a Lead Separating Assembly.

Independent claim 1 recites disposing a stator into “*a lead* separating assembly, the *leads* extending beyond the stator from windings installed in stator slots.” (Emphasis added). Accordingly, the subject matter recited by the claim addresses separating leads formed from stator windings *already* inserted into stator slots.

In contrast, Anderson discloses an apparatus configured to *insert windings* into the slots of a stator. *See* Anderson, Abstract (emphasis added). The leads, in the context of the present application, are only separated after the windings are inserted into the slots of the stator. In fact, a device like that of Anderson could be used to *insert the windings* before the lead separating assembly disclosed in the present application would be used to *separate the leads* of the windings. Anderson simply does not address how to separate the leads once the windings are inserted into the stator slots. Therefore, Anderson fails to

disclose *a lead* separating assembly, whereby the *leads* extend beyond the stator from windings installed in stator slots, as recited by claim 1.

The Examiner cited Figs. 13 and 14 of the Anderson reference in rejecting claim 1. Final Office Action, page 2. However, these figures illustrate how the assembly in Anderson *installs windings* in a stator slot that was previously empty. Therefore, these figures do not address the leads extending from windings already installed in stator slots, as recited in claim 1.

Further, the fundamental differences in the method of the present application and the apparatus in Anderson are revealed by the contradictory language used by the Examiner in the rejection of claim 1. The Examiner initially noted that Anderson teaches a “method of inserting windings.” Final Office Action, page 2. However, in the first bullet point following this statement, the Examiner claimed that Anderson teaches “disposing a stator having . . . windings installed in stator slots.” *Id.* It stands to reason that the apparatus disclosed by Anderson for inserting windings would not require disposing a stator having windings already inserted.

Anderson Does Not Teach Gathering the Plurality of Stator Leads Together into a Bundle.

The Examiner relied on Fig. 13 of Anderson in asserting that the reference teaches “gathering the plurality of stator leads together into a bundle,” as recited in claim 1 of the present application. However, Fig. 13 of Anderson involves the “axial insertion of the . . . various coil groups into their respective slots S of the stator so as to constitute the windings W of the stator.” Anderson, col. 11, ll. 37-40. Therefore, this figure is only pertinent to gathering and inserting the windings into the stator slots. As previously discussed, the stator leads themselves are comprised of bundles of wire leading from the windings already inserted in the stator slots. Therefore, Anderson does not teach “gathering the plurality of stator *leads*.”

Anderson Does Not Teach Driving a Lead Separator into Engagement with the Plurality of Stator Leads.

The Examiner relied on Fig. 14 of Anderson in asserting that the reference teaches “driving a lead separator into engagement with the plurality of stator leads,” as recited in claim 1 of the present application. However, Fig. 14 of Anderson illustrates the fully operative position of the assembly as the apparatus completes the *axial insertion* of the windings. Anderson, col. 12, ll. 19-23 (emphasis added). Thus, this apparatus only engages and inserts the windings and does not separate the leads resulting from the insertion of the windings. Therefore, Anderson does not teach “engagement with the plurality of stator *leads*.”

Rebuttal to Examiner’s Response to Arguments

The Examiner responded to the Appellant’s arguments from the First Office Action by stating:

Applicants’ arguments with respect to claims 21-31 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, the prior art or any prior art teaches the leads to be extended beyond the stator from windings installed in stator slots in order to bring current or power to the stator, which reads on the amendment of claim 1, line 3.

Final Office Action, p.6.

The Examiner’s statement appears to indicate a fundamental misunderstanding. The Appellant’s intended purpose for the amendment of claim 1 was to clarify that the present application pertains to *leads* extending from windings *already inserted* in stator slots. As previously discussed, Anderson discloses an apparatus configured to *insert windings* into the slots of a stator and does not address how to *separate the leads* once the windings are installed. *See* Anderson, Abstract (emphasis added). Anderson is simply silent as to how the leads are handled at all, much less separated. Therefore, claim 1, as amended, does not read on the Anderson reference.

Rebuttal to Examiner's Comments in the Advisory Action

In the Advisory Action mailed August 14, 2006, the Examiner commented that the Appellant asserted that Anderson “does teach all the limitations of the method of inserting windings provided in the Specification/Drawings...”. In fact, the passage relied upon from the previous response simply summarizes the position taken by the Examiner in the earlier Office Action. Appellant does not believe, as set forth above, that Anderson teaches the invention at all. Appellant has not compared the specification of the pending application with Anderson, as the Examiner seemed to assert, but has relied upon the clear language of the pending claims. In particular, it is Appellant’s position that Anderson fails to teach disposing a stator having a plurality of stator leads into a lead separating assembly, or gathering the plurality of leads together into a bundle, or driving a lead separator into engagement with the plurality of leads. For these reasons, Appellant reiterates that Anderson cannot anticipate the pending claims.

For all of the above reasons, Appellant respectfully requests that the Panel instruct the Examiner to withdraw the outstanding rejections and allow the pending claims.

Respectfully submitted,

Date: 8/17/2006

Patrick S. Yoder
Reg. No. 37,479
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545

CORRESPONDENCE ADDRESS
ROCKWELL AUTOMATION, INC.
Patent Department/704P Floor 8 T-29
1201 South Second Street
Milwaukee, Wisconsin 53204
Attention: Susan M. Donahue
Phone: (414) 382-2000